

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LORI CLAYMONT,

Plaintiff,

-against-

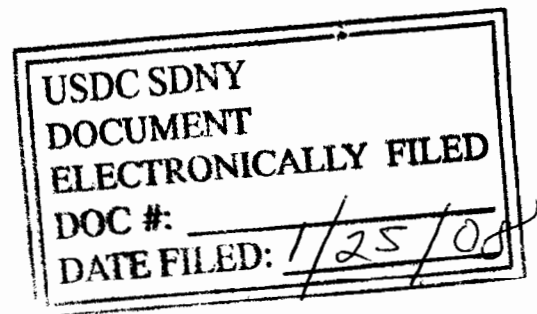
PETER SABOURIN, GEORGE IRWIN,
PATRICK KEAVENEY, SABOURIN
AND SUN CANADA, INC., 1261746
ONTARIO INC., SABOURIN AND SUN
GROUP OF COMPANIES, INC. (SSGC),
SABOURIN AND SUN INC., SUNSEEKER
GROUP, LTD., A BAHAMAS
CORPORATION, SABOURIN AND SUN BBI
TRUST, INTERVEST DIRECT INC., AND
OVERWEIGHT PEOPLE.COM, INC.,

Defendants.
-----X

Hon. Shira A. Scheindlin, U.S.D.J.,

Upon the Plaintiff's Order to Show Cause seeking an Order for alternative service by publication on Defendant PETER SABOURIN and corporate Defendants SABOURIN AND SUN, INC., SABOURIN AND SUN CANADA, INC., 1261746 ONTARIO INC, SABOURIN AND SUN GROUP OF COMPANIES, INC. (SSGC), SABOURIN AND SUN, BBI TRUST, SUNSEEKER GROUP, LTD., A BAHAMAS CORPORATION, and INTERVEST DIRECT INC., pursuant to F.R.C.P. 4(f)(3), dated January 14, 2008, and, upon the reading and filing of the affidavit of Daniel R. Olivieri, Esq., sworn to on the 14th day of January 2008, the exhibits annexed thereto, and the Memorandum of Law in support thereof;

It appearing to the Court from the papers submitted by the Plaintiff that a Summons and Complaint was filed in this action on September 21, 2007; and



Docket No.: **07-CV-8246 (SAS)**

ORDER

It further appearing that the time period for service of said Summons and Complaint is nearing expiration; and

It further appearing that the Defendant PETER SABOURIN and corporate Defendants SABOURIN AND SUN, INC., SABOURIN AND SUN CANADA, INC., 1261746 ONTARIO INC, SABOURIN AND SUN GROUP OF COMPANIES, INC. (SSGC), SABOURIN AND SUN, BBI TRUST, SUNSEEKER GROUP, LTD., A BAHAMAS CORPORATION, and INTERVEST DIRECT INC. cannot be located despite diligent efforts, and therefore, Plaintiff has been unable to effectuate service on said Defendants.

It further appearing that service of the Summons and Complaint cannot be made on the Defendant PETER SABOURIN or corporate Defendants SABOURIN AND SUN, INC., SABOURIN AND SUN CANADA, INC., 1261746 ONTARIO INC, SABOURIN AND SUN GROUP OF COMPANIES, INC. (SSGC), SABOURIN AND SUN, BBI TRUST, SUNSEEKER GROUP, LTD., A BAHAMAS CORPORATION, and INTERVEST DIRECT INC. by any manner other than publication; now, therefore, it is

ORDERED:

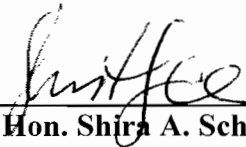
- 1) Service of the Summons and Complaint in this action be made on Defendant PETER SABOURIN and corporate Defendants SABOURIN AND SUN, INC., SABOURIN AND SUN CANADA, INC., 1261746 ONTARIO INC, SABOURIN AND SUN GROUP OF COMPANIES, INC. (SSGC), SABOURIN AND SUN, BBI TRUST, SUNSEEKER GROUP, LTD., A BAHAMAS CORPORATION, and INTERVEST DIRECT INC., by publication in the *Huntsville Forester*, published in the City of Huntsville, Ontario, Canada, a newspaper of general circulation designated as reasonably calculated to give notice to the above Defendants;

- 2) Publication be made at least one (1) time per week for three (3) consecutive weeks;
- 3) The first publication of the Summons and Complaint shall be made within fourteen (14) days from the date of entry of this Order, and it is

ORDERED the Plaintiff's time to effectuate service upon the Defendants is extended for another one hundred and twenty (120) days form the date of this Order

DATED: New York, New York
January ~~14~~, 2008

25



Hon. Shira A. Scheindlin, U.S.D.J.